



November 15, 2007

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BY FACSIMILE TRANSMISSION

The Honorable John J. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1030
New York, NY 10007
Fax: (212) 805-7912APPLICATION GRANTED
SO ORDERED
John G. Koeltl, U.S.D.J.Re: M. Shanken Communications, Inc. v. Cigar500.com, et al., 07-Civ.-7371

Dear Judge Koeltl:

We represent the defendants Cigar500.com, Anthony Masciengelo, and Monique Masciengelo ("Defendants") in the above-referenced action. We write to request that the dates currently set for the briefing of Defendants' motion to dismiss be adjourned, as indicated below, so that the parties may continue in their efforts to resolve their disputes.

As you may recall, on October 15, 2007, the parties appeared for a preliminary conference before your Honor. At that time, the Court suggested that the parties attempt to resolve their disputes without additional assistance from the Court. To provide the parties with some time to explore settlement, the Court entered an Order, dated October 16, 2007, setting forth the following briefing schedule: Defendants' motion to dismiss due on or before November 16, 2007, Plaintiff's opposition due on or before December 8, 2007, and Defendants' reply due on or before December 17, 2007.

As suggested by the Court, the parties are currently engaged in good faith discussions in an attempt to identify a means by which their disputes can be resolved. Specifically, Defendants have recently provided a proposal to Plaintiff that the parties intend to explore. As a result, the parties jointly request that the briefing schedule for Defendants' motion to dismiss be revised as follows to the give parties ample time to continue their discussions:



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Defendants' motion to dismiss will be due no later than January 11, 2008; Plaintiff's response will be due no later than February 8, 2008; and Defendant's reply will be due no later than February 22, 2008.

Thank you for your consideration.

Respectfully submitted,

Lisa T. Simpson

cc: Peter Raymond, Esq.
Reed Smith LLP
Counsel for Plaintiff M. Shanken Communications, Inc.
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